

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mehran Mehregany Docket No.: 47799.00003  
Application No.: Group Art Unit: Unknown  
Filing Date: Examiner: Not yet assigned  
TITLE: APPARATUS AND METHOD FOR ACQUISITION OF RESEARCH  
AND DEVELOPMENT

STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f) AND 1.27 (c)—  
SMALL BUSINESS CONCERN

Commissioner for Patents  
Washington, DC 20231

Commissioner:

I hereby declare that I am:

the owner of the small business concern identified below.

an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN: NineSigma, Inc.

ADDRESS OF CONCERN: 21945 Chagrin Blvd., Beachwood, OH 44122

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §§121.3-18, and reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

APPARATUS AND METHOD FOR ACQUISITION OF RESEARCH AND DEVELOPMENT  
by inventor(s) Mehran Mehregany and Kaigham J. Gabriel

described in:

the specification filed herewith  
 application no. \_\_\_\_\_ filed \_\_\_\_\_  
 patent no. \_\_\_\_\_ issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person other than the inventor who would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).  
NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. §1.27)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Individual       Small Business Concern       Nonprofit Organization

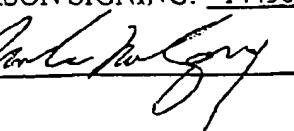
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein are of my own knowledge, are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Mehran Mehregany

TITLE OF PERSON OTHER THAN OWNER: President / CEO

ADDRESS OF PERSON SIGNING: 14450 County Line Rd., Chagrin Falls, OH 44022-4024

SIGNATURE:  DATE: 10/1/00

#114206v1

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare:

THAT my residence, post office address and citizenship are as stated below next to my name.

THAT I believe I am the original, first and sole (if only one name is listed below) or an original, first and joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: APPARATUS AND METHOD FOR ACQUISITION OF RESEARCH AND DEVELOPMENT, the specification of which:

[ ] is attached hereto.

OR

[ ] was filed on MM/DD/YY as United States Application Number or PCT International Application Number \_\_\_\_\_, and was amended on MM/DD/YY (if applicable).

THAT the subject matter of the

[ ] attached amendment

OR

[ ] amendment filed on MM/DD/YY

was part of my or our invention and was invented before the filing date of the original application, above identified for such invention.

THAT I do not know and do not believe that this invention was ever known or used in the United States of America before my or our invention or discovery thereof, or patented or described in any printed publication in any country before my or our invention or discovery thereof, for more than one year prior to this application.

THAT the invention was not in public use or on sale in the United States of America for more than one year prior to this application.

THAT this invention has not been patented or made the subject of an inventor's certificate issued before the date of the application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months before this application.

THAT I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

THAT I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56.

THAT no application(s) for patent or inventor's certificate on this invention or discovery has been filed by me or my legal representatives or assigns in a country foreign to the United States of America more than 12 months prior hereto, unless identified here: \_\_\_\_\_

THAT I hereby claim foreign priority benefits under Title 35, United States Code §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YY)	Priority Claimed?		Certified Copy Attached?	
			YES	NO	YES	NO

THAT I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YY)

THAT I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YY)	Parent Patent Number (If applicable)

And as a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and with the resulting patent, individually and collectively:

Squire, Sanders & Dempsey L.L.P.  
Two Renaissance Square  
40 North Central Avenue, Suite 2700  
Phoenix, Arizona 85004-4498

telephone number (602) 528-4000 (to whom all communications regarding the subject application are to be directed); and each practitioner thereof named below with Registration Numbers, and of the same address:

Michael A. Lechter	Reg. No. 27,350
David B. Abel	Reg. No. 32,394
Marc A. Sockol	Reg. No. 40,823

and further appoint as associate practitioners, with right of revocation in the primary practitioners, the following:

William R. Bachand	Reg. No. 34,980	David E. Rogers	Reg. No. 38,287
Lorinda J. Howland	Reg. No. 42,671	Cameron K. Kerrigan	Reg. No. 44,826
Dave B. Koo	Reg. No. 46,839		

Please direct all correspondence to:

Squire, Sanders & Dempsey L.L.P.  
Two Renaissance Square  
40 North Central Avenue, Suite 2700  
Phoenix, Arizona 85004-4498

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1. Inventor's Signature *Mehregany*

Date 10/1/00

Inventor's Name (typed) Mehran First Middle Mehregany Family Name

Citizenship United States

Residence (City) Chagrin Falls

(State/Foreign Country) Ohio

Post Office Address 14450 County Line Rd., Chagrin Falls, OH (Zip Code) 44022-4024

2. Inventor's Signature Alphonse J. Savoie

Date 10/2/2005

Inventor's Name (typed) Kaigham J. Gabriel  
First Middle Family Name

Citizenship United States

Residence (City) Pittsburgh

(State/Foreign Country) Pennsylvania

Post Office Address 5501 Aylesboro Ave., Pittsburgh, PA (Zip Code) 15217-1123

Post Office Address 5501 Aylesboro Ave., Pittsburgh, PA (Zip Code) 15217-1123

QUIRE, SANDERS & DEMPSEY L.L.P.  
Two Renaissance Square  
40 North Central Avenue, Suite 2700  
Phoenix, Arizona 85004-4498  
(602) 528-4000  
#114210-1